

110

Notice of Allowability

Application No.

10/616,202

Examiner

David S. Warren

Applicant(s)

KAWASHIMA, SUSUMU

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/02/07.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 7/02/07, 7/02/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


LINCOLN DONOVAN
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Information Disclosure Statement

The Examiner has considered the Information Disclosure Statement submitted by the Applicant on July 2, 2007. However, the Examiner notes errors on both the IDS and on the foreign Office Action cited in the IDS and has submitted a form PTO-892 to correct these errors. On the IDS submitted by Applicant's representatives, the prior art is listed as U.S. Patent 6,132,973 issued to Lal et al. This patent appears to be drawn to subject matter that bears no relation to Applicant's invention. The foreign Office Action is drawn to U.S. patent 6,132,973 to Kilkuchi (note: Ki/kuchi) – no such patent exists. The Examiner believes the correct patent should be 6,143,973 drawn to Kikuchi (note: no "l"). The Examiner has made the correct document of record.

Allowable Subject Matter

Claims 1 – 12 are allowed.

The following is an examiner's statement of reasons for allowance: The Reasons for Allowance were set forth in the Office Action dated October 6, 2006. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee.

Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The Examiner has considered Kikuchi and finds no teaching of converting performance data to audio data. For example, figs. 8 and 9 show transmitting performance data and audio data, respectively. However, no conversion takes place. Fig. 14 of Kikuchi shows changing (not converting) delta times (SG6). However, even if this is interpreted as "converting" there is still no teaching of converting performance data to audio data. As stated by Kikuchi: "The transmitter is desired to be able to transmit a mixture of MIDI data and audio data. The receiver is desired to be able to receive and reproduce both the MIDI data and audio data at the same time."

[Emphasis Added]. In other words, there is no conversion from performance data to audio data. Indeed, Kikuchi seeks to synchronize the MIDI data with the audio data.

The foreign Office Action asserts that elements 27a – 27c are the claimed converters. However, for clarification, the Examiner notes that both elements 3 and 9 contain the converters 27a – 27c. In element 9, the MIDI signals are transmitted directly to speaker 11 and completely bypass elements 27a – 27c. In other words, MIDI (i.e., performance data) is not converted to audio by elements 27a – 2c (or by any other means). In element 3, the MIDI signals are sent directly to instrument 2, while the audio signals are sent to elements 27a – 27c. Again, no conversion of MIDI (i.e., performance data) to audio data is performed. Elements 27a – 27c are for converting digital audio data to analog audio data (i.e., audio to audio conversion) – digital audio is not the

Art Unit: 2837

same as MIDI (see first paragraph, col. 6). The foreign Office Action repeatedly states that converter 27b converts MIDI data to audio data. This Examiner disagrees, MIDI data never passes through element 27b. Element 27 is essentially a sound card, while elements 26 (found in both the server 3 and client 9) handle MIDI performance data and completely and entirely bypass the “converters” 27.

Conclusion

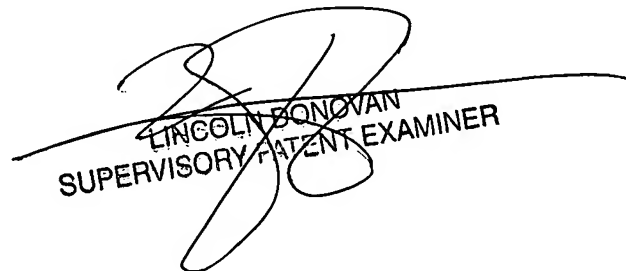
Any inquiry concerning this communication or earlier communications from the examiner should be directed to David S. Warren whose telephone number is 571-272-2076. The examiner can normally be reached on M-F, 9:30 A.M. to 6:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on 571-272-2837. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2837

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


dsw


LINCOLN BONO VAN
SUPERVISORY PATENT EXAMINER